



# The Michigan Motorcycle Law N

## Buckfire & Buckfire, P.C.

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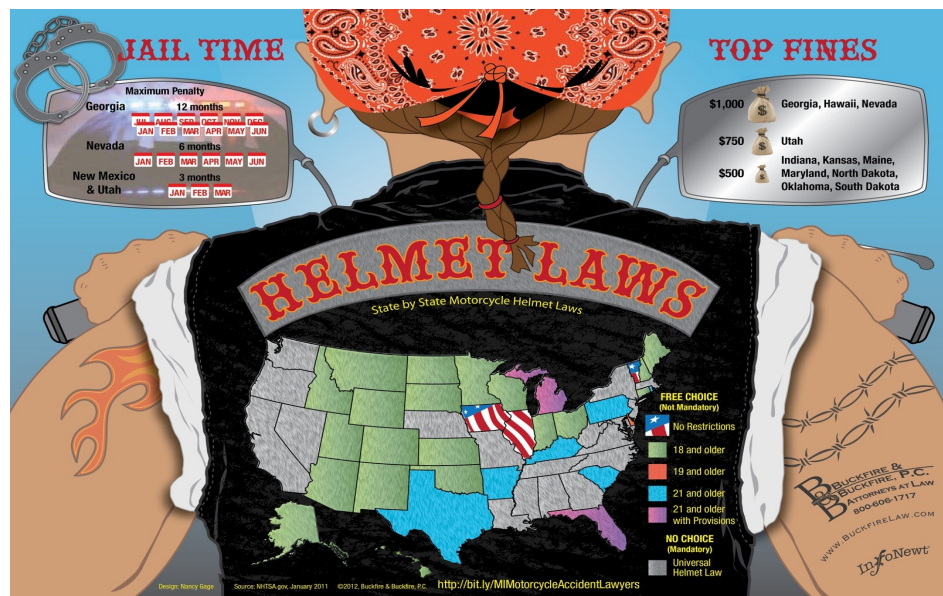


### Upcoming Motorcycle Events/Rides

- July 7: 2nd Annual Ride for Habitat. Spring Lake. Contact: 846-505
- July 13: Thrills in the Irish Hills Bike Festival. Jackson. Contact: 295-17-4871
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- ycle Network 2nd Annual Poker Run. Burton. Contact: 826-2399

## State Motorcycle Helmet Law Wallet

If you plan on taking a road trip this summer across state lines, you need to know the motorcycle helmet laws in the states in which you plan to travel. Helmet laws and requirements vary from state to state, so our motorcycle accident attorneys at Buckfire & Buckfire, P.C. recently created a graphic of the state helmet laws to aid bikers in their travels across the United States.



To view this graphic in greater detail visit:

<http://bit.ly/MIMotorcycleAccidentLawyers>

Share this graphic with other bikers who may find this topic interesting or who are planning on taking a road trip by embedding the graphic on your own site, emailing fellow motorcyclists, family, friends, etc., and sharing on all social media sites such as Facebook, Twitter, and Google+ (see appropriate social buttons on the left of the webpage.)

This information is also offered on a **FREE** wallet card. **Look inside for your FREE** Take a road trip this summer without this information in your wallet.

To request additional cards for your motorcycle accident attorneys, or to display information for your motorcycle accident attorneys, visit <http://bit.ly/MIMotorcycleAccidentLawyers> and follow the instructions.

Just provide your mailing address, tell us how many you want, and we will send it out right away!

## Attendant Care and Replacement Services: A Reasonable Expectation of Payment



**This article was written by Buckfire Attorney Dondi Vesprini (pictured to the left).** Dondi has been a licensed attorney in the State of Michigan since 1999. He is recognized as an expert in cases involving motorcycle accidents. Dondi frequently meets with both legislators and lobbyists regarding legislation affecting injured motorcyclists and is also a member of the Board of Directors of ABATE of Michigan. Look for Dondi's article in each issue where he will discuss important issues affecting motorcyclists.

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v j g " o q v q t e { e n g " e q o o w p **Dondi@Dondilaw.com** g n " h t g

There is an old saying, "No good deed goes unpunished." Sadly, in the realm of the occasionally illogical world of Michigan No Fault law, the saying has potential application when it comes to a friend or family member providing assistance to an injured motorcyclist after an accident involving a car or truck.

Among the package of no-fault benefits provided under the law, the insurance company is required to pay for attendant care services, which essentially means any services rendered to an injured person that are similar to what a home aide would provide (i.e. cooking, changing bandages, assisting with bathing, assisting with grooming, etc).

The law also requires the insurance company to pay for replacement services, which essentially means any services rendered to an injured person that he/she ordinarily would have done for himself/herself had he/she not been injured in the accident. (i.e., mow the lawn, clean house, laundry, shovel snow, yard work, etc.)

Many injured persons are fortunate enough to have strong support systems at home with friends and family members who are more than willing to help out their loved ones after they have been injured in an accident. I have had many cases where a neighbor has cut the lawn for a summer for his injured friend next door who fractured his hip in an accident, a husband has taken up the cooking duties for his wife who injured her back in an accident, or a wife who now needs to assist her husband in the shower because he can't reach up with his injured shoulder to wash his own hair.

Seems like a no brainer that these good Samaritans are entitled to payment for the attendant care and replacement services they have performed, right? Not so fast.

Our Michigan Supreme Court has stated that for attendant care and replacement services expenses to be payable by the insurance company, these expenses must be "incurred" by the injured person. The Court went on to say that to be incurred, the friend or family member "must perform the services with a reasonable expectation of payment."

In the situation of a friend or family member helping out a loved one, they are often not doing it with the expectation that they will be paid for their services. They are doing it because they care about the injured person and don't want to see them struggle. In fact, many people helping out an injured friend or family member after an accident are not even aware that the law provides for payment for these services!

As unfair as it may seem, insurance companies have no hesitation to raise this as a defense to escape from having to pay friends and family members who have provided months or even years of attendant care or replacement services to an injured person out of the goodness of their hearts, even though the insurance company failed to let them know that they were entitled to be paid for these services.

So let this month's column serve as a public service announcement to those friends and family members who are or would help out someone they care about after being injured in an accident: Offer your assistance to your loved one, but now that you know you are entitled to be paid for your services by the insurance company, expect to be paid!

Maybe now a few less good deeds will go unpunished by the insurance company.

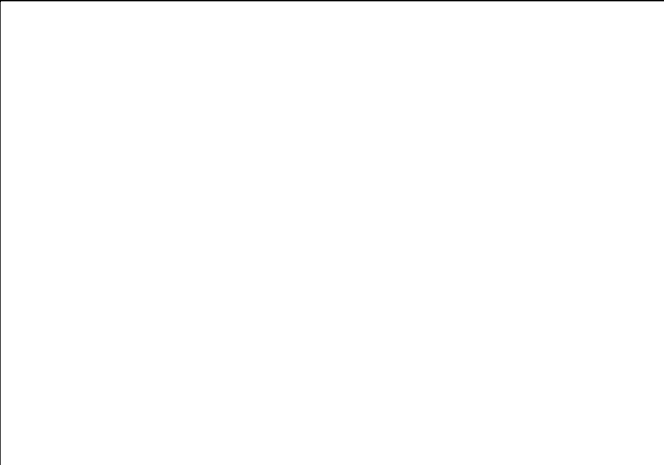
# Ask Dondi, Dan, and George: Your Motorcycle Leg

**Q What is tort liability and does it apply**

**D o n** The Michigan No-Fault Act allows drivers and owners of an automobile to recover up to \$1,000.00 from the at-fault driver and owner of an automobile to cover the damages and repairs to the automobile. However, a motorcycle is not considered a motor vehicle under the Michigan No-Fault Act.



Attorneys Dondi Vespini, Dan Buckfire, and George Burke.



**Q :If my bike is in an accident, how much money will I pay for the repairs?**

**D a n** This depends on the amount of coverage you purchased and the amount of your deductible.

**Q How much time do I have to sue the driver and owner of the automobile that caused the accident?**

**G e o r g e** You typically must file a lawsuit with the court within three years of the date of the accident. If the injured person is a child or a person with a mental disability, this period can often be extended

Your FREE copy of the Motorcycle Helmet Law Wallet Card

beyond three years. In order to protect your rights, I recommend that you contact an attorney immediately to find out the time limitations involved in suing the driver and owner of the car and/or motorcycle that caused the accident.

Bring this newsletter into Blackbeard Powersports and receive a

**25% Discount on 1/2 helmets  
15% off all others\***

\*Limited Time Only  
Buckfire & Buckfire helping the Biker Community

## Our Motorcycle Shop Spotlight

Blackbeard Powersports, Inc.  
36745 Groesbeck Hwy, Clinton Twp., MI 48035  
Ph: 586792 2626 | [www.blackbeardpowersports.com](http://www.blackbeardpowersports.com)

This month we spotlight Blackbeard Powersports. Owner David Corneille, who always had an interest in two wheel vehicles, opened the store in 2004 when he noticed a marketable opportunity in the Metro-Detroit area. From the purchase of his first bike, a new Kawasaki 100cc dirt bike, riding became David's passion. Though his background lay outside the powersports industry, David saw the opportunity to open his own retail store where he could offer a line of products that would serve as an alternative to the OEMs, and which also catered to young riders, thus becoming the start of Blackbeard Powersports.

As the owner of Blackbeard Powersports, David said he is responsible for overseeing the day to day operations of the store, as well as working directly with all vendors and consumers. However, what he enjoys most is working with customers and with the professionals that make up this industry. "Having customers walk into my store and take note of the variety of the products that I sell, finding out my products are not OEM and being able to educate my customers about them is exciting," says David.

Want to nominate or spotlight your motorcycle shop or club in our next newsletter? Or call Kathryn with your nomination at 248.569.4646 or [Kathryn@buckfirelaw.com](mailto:Kathryn@buckfirelaw.com) The spotlight is FREE.

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Just call or email Kathryn at 248 248 2486 or  
Kathryn@buckfirelaw.com with their contact  
information and we will add them to our mailing list!

If you would like to be removed from our mailing list call Kathryn at  
2485694646 or email her at Kathryn@buckfirelaw.com

## Our Current Cases of In

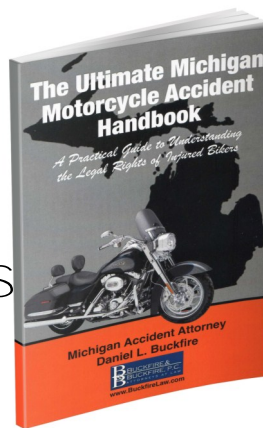
- < A 1st party Michigan No-Fault lawsuit against State Farm for refusing to pay no-fault benefits to our client injured in a motorcycle versus car accident that occurred in Texas Township. Our client was the operator of a motorcycle that struck a car that was insured with State Farm. Even though the motorcyclist was at fault for the accident, the insurance carrier for the car is legally responsible for Michigan's No-Fault benefits to our client.
- < A lawsuit filed on behalf of our client who was injured by an uninsured driver turned left in front of the motorcycle causing the crash. The lawsuit was filed against our client's insurance carrier.

## Recent Settlements

- < Policy limit settlement on behalf of a female passenger on the back of a motorcycle who suffered a fracture to her tailbone when the motorcycle was rear ended at a traffic light in Muskegon County.
- < \$100,000 settlement for a client injured in a Grand Rapids motorcycle accident. The insurance company for the at-fault driver paid the full policy limits before a lawsuit was even filed.

## FREE Motorcycle Accident Book

Your FREE Guide to Michigan Motorcycle Accident Cases  
**Warning: Do Not Speak to the Insurance Adjuster or Hire a Lawyer Until You Read This Free Book.**



The Book reveals:

- < How To Find The Best Lawyer For Your Case
- < Who MUST Pay For Motorcycle Damage Claims
- < How To Get The Best Money Settlement For Your Injuries
- < Are You Entitled To Michigan No-Fault Insurance Benefits
- < How To Get Your Medical Bills And Lost Wages Paid
- < **AND MUCH MORE** including the **SECRET STRATEGIES**

insurance companies will use to avoid paying YOU a fair settlement.

Request your book by calling **(800) 606 717** or visit

[www.MichiganMotorcycleBook.com](http://www.MichiganMotorcycleBook.com)